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J. Michael Neary  
J. Michael Neary

March 25 2004  
Date

Inventor: Detore and Kyono )  
Serial No.: 10/035,513 ) Group Art Unit: 3682  
Filed: Oct. 19, 2001 ) Examiner: Vicky A. Johnson  
Title: "Hybrid Composite Flywheel Rim and Its Manufacturing Method"

March 25, 2004

Request for Reconsideration

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

Sir;

Responsive to the Advisory Action dated February 23, 2004, Applicants respectfully request that the Examiner withdraw the finality of the Final Office Action, or enter Applicants' Rule 116 Amendment mailed on January 26, 2004, for the following reasons:

## Remarks

In the final Office Action dated October 31, 2003, the Examiner rejected, for the first time, claims 1, 5 and 6 under 35 USC 112 as indefinite on the ground that the phrase "such as" makes it unclear whether the limitations following the phrase are part of the claimed invention. The offending "such as" phrase has been in the claims since this application was filed and was rejected for the first time in the final rejection

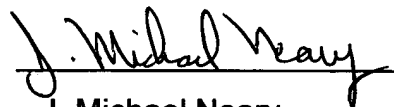
(after which Applicants no longer have the right to make amendments). Applicants believe that the Examiner should not make a rejection "final" when it rejects an original claim on a new ground for the first time. Accordingly, Applicants respectfully request the Examiner to either withdraw the finality of the Final Office Action, or enter the amendments in this Rule 116 Amendment to remove the "such as" phrase.

Applicants assert that the meaning of "such as" is well known. It introduces examples of specific things illustrative of a more general term that encompasses them and others. This is ordinary English and does not introduce any ambiguity in the claim whatsoever. Indeed, it is widely used in claims, such as Patent No. 3,602,067 to Wetherbee, of record in this application.

The Examiner, in the advisory Action dated February 23, 2004, noted that the amendment to claim 1 that the fibers are distributed as multiple layers made of bands of tows, requires further search and/or consideration. This same language appears in claim 7 and has already been thoroughly searched and considered. Applicants do not understand what "further search and/or consideration" would be required for a subject matter that has already been thoroughly searched and considered.

Accordingly, Applicants respectfully request that the Examiner withdraw the finality of the Final Office Action, or enter Applicants' Rule 116 Amendment mailed on January 26, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Michael Neary", written over a horizontal line.

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